

Applicant: SLAVIN
Appl. No. 09/715,068

Remarks/Arguments

Applicant thanks the Examiner for her careful consideration of this application.

Applicant requests entry of the above amendments and requests reconsideration of this application in view of those amendments and in view of the remarks to follow.

Claims 2-26 and 28-39 are now pending in the application, with Claims 9, 18, 28, and 33 being the independent claims. Claims 31 and 32 have been amended, as will be discussed below.

A new abstract has been provided in accordance with the suggestions found in the Office Action at page 2.

Based on the above amendments and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

The Office Action, at page 3, allows Claims 2-26, 28-30, and 33-39. Applicant gratefully acknowledges the allowance of these claims.

At page 2, the Office Action rejects Claim 31 under 35 U.S.C. § 112, second paragraph, as being indefinite, based on an asserted ambiguity as to what constitutes the claimed computer system. Applicants have amended Claim 31 and respectfully submit that any ambiguity has been resolved.

Also at page 2, the Office Action rejects Claim 32 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, based on the assertion that "the claim recites a computer readable medium comprising software tha[t] is not 'tangibly embodied'." While Applicant disagrees with this assertion and maintains that "computer-readable medium," as defined at page

Applicant: SLAVIN
Appl. No. 09/715,068

4 of the Specification, includes only tangible embodiments of the software (Applicant maintains that even software embodied on a carrier wave is tangible, as a carrier wave may be viewed, processed, etc. – even felt, under some circumstances (although that may be uncomfortable); that is, Applicant maintains that a carrier wave is tangible), Applicant has, nevertheless, added the word "tangible" to Claim 32 to exclude any intangible computer-readable media, whatever they may be, and to thereby overcome this rejection.

Applicants respectfully state that their amendments are not to be understood as indicating concurrence with the characterizations of the claims found in the Office Action.

Applicant: SLAVIN
Appl. No. 09/715,068

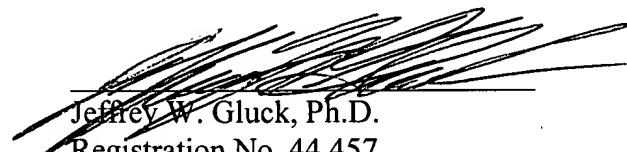
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

Date: November 4, 2005



Jeffrey W. Gluck, Ph.D.
Registration No. 44,457
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Direct Dial: (202) 344-8017
Telefax: (202) 344-8300